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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,438	07/02/1999	SHAI MOHABAN	50325-074	3850

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/347,438

Applicant(s)

MOHABAN ET AL.

Examiner

Barbara N Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

This Office Action is in response to amendment filed on December 27, 2002. Claims 1-4, and 6-30 are presented for further examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700).

As per claims 1, 20, 21, 29, and 30, Martin does not explicitly disclose a method of selectively establishing a quality of service value for a particular network device in a network that comprises a plurality of other heterogeneous network devices, comprising the steps of:

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- Receiving application information that defines one or more traffic flows associated with one or more message types generated by an application program, including information identifying one or more points at which an application generates the traffic flows.

However, the use and advantages for defining one or more traffic flows associated with one or more message types generated by an application program is well known to one skilled in the relevant art at the time the invention was made as evidenced by Haddock (column 5, lines 59-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate defining one or more traffic flows associated with one or more message types generated by an application program in Martin's method in order to warn the network manager of overlapping traffic groups.

As per claims 2 and 22, Martin discloses:

- Storing the mappings in a repository that is accessible by the application program (column 4, lines 57-60, 64-67, column 5, lines 5-7, column 10, lines 18-24, column 13, lines 42-48);
- Storing both the application information and the device information in the repository (column 7, lines 6-17, column 8, lines 32-38, column 13, lines 35-40);
- Converting the mappings into one or more settings of the network device (column 2, lines 14-20, column 3, lines 44-45, 50-51, column 4, lines 29-31);

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- Enforcing one of the processing policies at the network device in response to receiving traffic from the application program that matches the traffic flow type (column 10, lines 3-6, column 11, lines 23-25).

As per claims 6, 7, and 24, Martin further discloses:

- Creating and storing one or more mappings comprises creating and storing one or more mappings comprises creating and storing one or more policies, concerning network processing of traffic flows generated by the application program, in the repository (column 3, lines 55-56, column 4, lines 20-25, 29-32, 64-67, column 5, lines 5-7)

As per claim 8, Martin discloses:

- Creating and storing one or more mappings comprises creating and storing one or more mappings comprises creating and storing one or more policies, concerning network processing of traffic flows generated by the application program, in a directory (column 3, lines 55-56, column 4, lines 20-25, 29-32, 64-67, column 5, lines 5-7, column 7, lines 6-10).

As per claims 9 and 25, Martin discloses:

- Creating and storing one or more mappings comprises creating and storing one or more policies, concerning network processing of traffic flows generated by the

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application program, in a policy server coupled to Lightweight Directory Access Protocol directory that comprises the repository (column 6, lines 12-14).

As per claims 14, 15, and 27, Martin further discloses:

- Determining one or more processing policies comprises creating and storing one or more policy statements in a repository, wherein each policy statement associates a condition of one of the traffic flows, an operator, an operand, and an action comprising one of the quality of service treatments (column 8, lines 55-57, column 9, lines 49-51).

As per claims 16 and 28, Martin discloses:

- Determining one or more processing policies comprises creating and storing one or more policy statements in a repository, wherein each statement is represented by a plurality of nodes that represent a condition of one of the traffic flows, an operator and an action comprising one of the quality of service treatments, and wherein the plurality of nodes is coupled to a root node having a distinguished name in the directory (column 4, lines 56-60, 64-67, column 8, lines 38-40, 47-50, 55-57).

3. Claims 3-4, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700) in further view of Chapman et al. (hereinafter "Chapman", 6,028,842).

As per claims 3 and 23, Martin, in view of Haddock, does not explicitly disclose creating and storing one or more classes that classify the traffic flows, each of the classes associated with one or more types of traffic flows and based on the traffic flows, determining one or more processing policies that associate the traffic flows with the quality of service treatments. However, the use and advantages for classifying traffic flows is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Chapman (column 1, lines 33-34, column 2, lines 1-3, 6-7, 27-28, 40-43, 50-53).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate classifying traffic flows in Martin's method allowing administrative policies to give, for instance, certain groups different treatment than other groups.

As per claim 4, Martin, in view of Haddock, does not explicitly disclose receiving application information comprises receiving one or more application code points that represent traffic flow types. However, the use and advantages for using application code points to represent traffic flow types is well known to one skilled in the relevant art at the time the invention was made as evidenced by Chapman (column 3, lines 46-48, 51-55, 63, 65-66, column 4, lines 3-5, 8-10, 12-14, 19-22, 29-31).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate application code points in

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Martin's method order to allocate bandwidth and implement an admission control policy for classes before delivering a packet.

4. Claims 10, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700) in further view of Chapman and in further view of Mohaban et al. (hereinafter "Mohaban", 6,463,470).

As per claims 10-11, 17, 19, and 26, Martin, in view of Haddock and Chapman, does not explicitly disclose:

- Creating and storing one or more mappings further comprises creating and storing, in the repository, one or more mappings of Application Code Points of the application program to one or more Differential Services Code Points of a protocol associated with the network device;
- Creating and storing one or more mappings further comprises generating one or more messages in RSVP+ () and communicating the messages to the network device.

However, in an analogous art, Mohaban discloses the use RSVP or Differential Services Code Points) to request a particular quality of service for a particular traffic flow (column 4, lines 38-49, column 7, lines 17-25).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Differential Services Code

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Points and RSVP's in Martin's, in view of Haddock and Chapman, method allowing the relative importance of a particular traffic group to be defined.

5. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700) and in further view of Schwaller et al. (hereinafter "Schwaller", 6,061,725).

As per claims 12 and 13, Martin, in view of Haddock, does not explicitly disclose receiving application information comprises receiving application information that defines one or more traffic flows generated by an application program, including information identifying one or more points at which an application generates the traffic flows, from a first and second individual having responsibility for managing enterprise applications in the network. However, in an analogous art, Schwaller discloses application testers that simulate a user reading screens and typing at a keyboard to create network traffic (column 2, lines 49-58).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a first and second individual having responsibility for managing enterprise applications in the network in Martin's method allowing for testing of the application and creating network traffic.

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6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Haddock et al. (hereinafter "Haddock", 6,104,700) and in further view of McCloghrie et al. (hereinafter, "McClogherie", 6,286,052).

Martin, in view of Haddock, does not explicitly disclose requesting an operating system function to modify a packet of the traffic flows using a policy element that requests a different operating system function according to the operating system then in use and at the network device, in response to receiving traffic from the application program that matches the traffic flow type and in response to the operating system function, modifying the packet to activate a quality of service treatment of the network device. However, in an analogous art, McCloghrie discloses an operating system that is utilized for traffic management services, such as classifying packets (column 20, lines 19-40).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an operating system for modifying packets to activate a quality of service treatment in Martin's method in order for the packets to be sent across the network according to the quality of service needed.

### ***Response to Arguments***

Examiner notes the following arguments:

- a. Martin cannot differentiate among multiple message types that may be generated by an application. Martin fails to deal with multiple message types that could be generated by an application.
- b. Martin does not teach receiving device information that defines one or more quality of service treatments that the network device may apply to data processed by the network device.
- c. Because Martin does not determine what quality of service to base on the capabilities of a network device, Martin does not teach determining processing policies based in part on device information.
- d. Martin has no teaching of storing application information in a directory or in the same directory as the device information.
- e. Claims 14, 15, 27, 16, and 28 are insufficient in relying on implicit disclosure in Martin.
- f. Chapman has no teaching of using device information, which indicates the capabilities of a device to apply quality of service, to determine what policy should apply to a particular application flow.
- g. Regarding claim 4, there is no teaching about associating multiply different traffic flows or message types from one application with different quality of service values.
- h. Haddock has no mention of DSCPs in this sense, and nothing in Haddock teaches the use of DSCPs as a target mapping of application code points or application message types.

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- i. Nothing in Haddock suggests combining the use of RSVP with Martin or a system like Martin.
- j. Claim 12 specifies that the application information is established by someone who manages applications, and not by the network manager.

According to (a), (e), and (h)-(j), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

According to (b) and (c), Martin discloses quality of service for specific information is based on information contained in the traffic itself, such as IP source address (which is the address of a source device) (column 2, lines 14-20). Martin also discloses mapping between quality of service and the entity. The entity can be the user (the device is which the user is using) (column 7, lines 50-55).

According to (f), Chapman discloses that certain places in the network has particular traffic conditioning for example gateways are often a bottleneck and can decrease response time, packet switches will not be able to provide good performance for new services. Because of this device information, the appropriate quality of service can be applied.

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According to (g), the specification denotes "ACPs identify and define one or more types of traffic flows or classes that are produced by an application". Chapman discloses six different classes of traffic flows, which can be used in a typical TCP/IP network.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,430,154 B1;

U.S. Patent No. 5,970,064

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess  
Examiner  
Art Unit 2157

  
ARIO ETTENNE  
SUPERVISORY PATENT EXAMINER  
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March 10, 2003